

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

Page 1 of 2

Amend Section 5144 to read:

§ 5144. Respiratory Protection.

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(e) Medical evaluation. Using a respirator may place a physiological burden on employees that varies with the type of respirator worn, the job and workplace conditions in which the respirator is used, and the medical status of the employee. Accordingly, this subsection specifies the minimum requirements for medical evaluation that employers must implement to determine the employee's ability to use a respirator.

(1) General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

(2) Medical evaluation procedures.

(A) The employer shall identify a physician or other licensed health care professional (PLHCP) to perform medical evaluations using a medical questionnaire or an initial medical examination that obtains the same information as the medical questionnaire.

(B) The medical evaluation shall obtain the information requested by the questionnaire in Sections 1 and 2, Part A of Appendix C.

EXCEPTION to subsection (e)(2)(B): For the use of filtering facepiece respirators for protection against M. Tuberculosis only, the employer need only rely upon a medical evaluation completed prior to October 18, 2004, in meeting the requirement for initial medical evaluation, if that evaluation meets the following conditions:

1. The evaluation consisted of a questionnaire, medical examination, or both, evaluated or conducted by a PLHCP; and

2. The employer obtained a written statement from the evaluating PLHCP that the employee is medically able to use a respirator.

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(f) Fit testing. This subsection requires that, before an employee may be required to use any respirator with a negative or positive pressure tight-fitting facepiece, the employee must be fit tested with the same make, model, style, and size of respirator that will be used. This subsection specifies the kinds of fit tests allowed, the procedures for conducting them, and how the results of the fit tests must be used.

(1) The employer shall ensure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this subsection.

**STANDARDS PRESENTATION  
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Attachment No. 1

Page 2 of 2

(2) The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter.

EXCEPTION to subsection (f)(2): Special provisions applicable to respirator use for protection against M. Tuberculosis only:

As stated by Section 5147, the provisions of Section 5144 apply to respirator use for protection against M. Tuberculosis effective October 18, 2004. However, an employer may delay compliance with the annual fit-testing requirements in Section 5144(f)(2) until January 18, 2005, for employees who are not designated as "high risk" for exposure to TB provided that the employer develops and implements a written risk classification procedure for employees potentially exposed to M. Tuberculosis that ensures all high risk employees are fit tested by October, 18, 2004. For the purposes of this provision, high-risk employees are any of the following:

(A) Employees who are in occupational groups designated by the employer for testing for latent tuberculosis infection more frequently than annually.

(B) Employees who perform, or are in close proximity to cough inducing or aerosol generating procedures.

(C) Any other employees designated by the employer to be at high risk of exposure to M. tuberculosis.

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NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.